

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	Case No. 8:05CR147
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
JOSE MANUEL MONTOYA,	)	
	)	
Defendant.	)	

IT IS ORDERED that, after a hearing on this matter, a jury trial for the defendant, Jose Manuel Montoya, is rescheduled before the undersigned in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on **August 22, 2005, at 9:00 a.m.** Since this is a criminal case, the defendant shall be present, unless excused by the court. If an interpreter is required, one must be requested by the plaintiff in writing five (5) days in advance of the scheduled hearing.

The ends of justice will be served by granting the defendant's request for a continuance, and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising from the date of the status/change of plea hearing to the newly scheduled trial date, namely, **July 26, 2005, through August 22, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case, and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 26th of July, 2005.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
United States District Judge